

4. Certification dated March 9, 2011 of the copy of the work entitled “Last Night Changed It All” deposited in the U.S. Copyright Office, dated December 16, 2003, a true and correct copy of which is attached hereto as Exhibit D.

Circular 50 informs the public that musical compositions are to be registered on U.S. Copyright Office Form PA, and Circular 56A informs the public that musical compositions and sound recordings may be registered together only if the ownership of the copyrights for both works is exactly the same. *See* Exhs. A, B. The certified copies of the copyright registration for the “Last Night Changed It All” musical composition and materials that Plaintiff Robert Curington submitted to the Copyright Office when he registered the musical composition demonstrate that Defendant Joe Wheeler is an author of the composition and a co-owner of the copyright. *See* Exhs. C, D.

These items are “generally known” and “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned” because they are prepared and maintained by the United States Copyright Office. *See* Fed. R. Evid. 201(b). The Court may therefore take judicial notice of Circulars 50 and 56A, *see Pollstar v. Gigmania, Ltd.*, 170 F.Supp.2d 974, 979 (E.D. Cal. 2000) (taking judicial notice of a Copyright Office Circular because it is “generally known” and its accuracy cannot reasonably be questioned), and of the certified copies of the copyright registration and materials submitted to the Copyright Office. *See Island Software and Computer Service, Inc. v. Microsoft Corp.*, 413 F.3d 257, 261 (2d Cir.

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2005) (taking judicial notice of federal copyright registrations).

Dated this 9th day of May, 2011.

By: /s/ LINDA M. BURROW

LINDA M. BURROW (*pro hac vice*)
CALDWELL LESLIE & PROCTOR, PC
1000 Wilshire Boulevard, Suite 600
Los Angeles, California 90017-2463
Telephone: (213) 629-9040
Facsimile: (213) 629-9022

/s/ MICHAEL J. ALLEN

MICHAEL J. ALLEN, State Bar No. 18030
CARRUTHERS & ROTH, P.A.
P.O. Box 540
Greensboro, North Carolina 27402
Telephone: (336) 379-8651
Facsimile: (336) 478-1170

Attorneys for Defendants
UMG Recordings, Inc. and Rondor Music
International, Inc. d/b/a/ Almo Music Corp.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on the Plaintiff in the manner designed below:

Via ECF:

FLORENCE A. BOWENS
P.O. Box 51263
Durham, North Carolina 27717

Dated this 9th day of May, 2011

By: /s/ LINDA M. BURROW

LINDA M. BURROW (*pro hac vice*)
CALDWELL LESLIE & PROCTOR, PC
1000 Wilshire Boulevard, Suite 600
Los Angeles, California 90017-2463
Telephone: (213) 629-9040;
Facsimile: (213) 629-9022

MICHAEL J. ALLEN, State Bar No. 18030
CARRUTHERS & ROTH, P.A.
P.O. Box 540
Greensboro, North Carolina 27402
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